IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION
Civil application No. 2272 of 2005
in
SAST NO. 20713 OF 2005

MAMDEO KRISHNARAO HIPPERKAR ... Applicant
V/S
KALPANA NAMDEO HIPPERKAR ... Respondent

SHRI. S.G.KUDLE for applicant /appellant.
SHRI.A.P.KULKARNI for respondent no.1.

CORAM: D. G. KARNIK **J.**
DATE: 7th November 2006

P.C.:

1. Heard learned counsel for the applicant and the respondent.
2. This application is for condonation of delay in filing of the appeal. The appeal arises out of matrimonial proceedings. In the circumstances and for the reasons stated in para 2 of the Civil application I am of the view that the delay needs to be condoned, subject to payment of costs.
3. The learned counsel for the applicant states that the trial court had ordered payment of maintenance at the rate of Rs.1500/- per month and the lower appellate court increased the amount of maintenance to Rs.4200/- per month. Learned counsel for the applicant states that the applicant will deposit in the trial court / executing court the amount of

maintenance at the rate of Rs.3000/- per month and undertakes to deposit the amount within a period of 4 weeks. Undertaking of the applicant given through his advocate is recorded and accepted. It is clarified that the deposit of amount at the rate of Rs.3000/- per month would not amount to stay of the execution proceedings.

4. For these reasons the civil application is allowed and delay in filing the second appeal is condoned, subject to payment of costs of Rs.1000/-, within a period of four weeks.

(D.G. KARNIK J.)